

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

MITCHELL JOSEPH HARB, JR., )  
                                  )  
                                 Petitioner, )  
                                  )  
                                 v. )                         1:09CV766  
                                  )  
ALVIN W. KELLER, JR., )  
                                  )  
                                 Respondent. )

J U D G M E N T

**Auld, Magistrate Judge**

For the reasons set out in a Memorandum Opinion and Order entered contemporaneously with this Judgment,

**IT IS ORDERED AND ADJUDGED** that Respondent's Motion to Dismiss on Statute of Limitation Grounds (Docket Entry 4) is **GRANTED**, that the Petition under § 2254 (Docket Entry 1) is **DENIED**, that Petitioner's motion for reconsideration of his request for appointed counsel (Docket Entry 14) is **DENIED AS MOOT**, and that this action be, and the same hereby is, **DISMISSED**.

**IT IS FURTHER ORDERED AND ADJUDGED** that, finding no substantial issue for appeal concerning the denial of a constitutional right affecting the conviction, nor a debatable procedural ruling, a certificate of appealability is denied.

/s/ L. Patrick Auld

**L. Patrick Auld**  
**United States Magistrate Judge**

September 28, 2010